

# **National Coalition of Food Importing Associations**

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July 23, 2004

## **VIA FEDEX AND ELECTRONIC MAIL**

<http://www.fda.gov/dockets/ecomments>

Division of Dockets Management (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, MD 20852

Re: Requirements Pertaining to Sampling Services and Private  
Laboratories Used in Connection With Imported Food Proposed  
Rule, Docket 2002N-0085

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Dear Sir or Madam:

Pursuant to 21 CFR §§ 10.35 and 10.40(b)(3), the National Coalition of Food Importing Associations (NCFIA) respectfully requests that the U.S. Food and Drug Administration (FDA) extend the comment period for the Proposed Rule on Requirements Pertaining to Sampling Services in Private Laboratories Used in Connection With Imported Food published in the Federal Register on April 29, 2004 (69 Fed. Reg. 23460) (hereinafter the "Proposed Rule").

NCFIA is a coalition of trade associations that represent different segments of the food importing community. Members of NCFIA include the following trade associations: American Spice Trade Association, Association of Food Industries, Cheese Importers Association of America, The Cocoa Merchants Association of America, and the National Fisheries Institute. Companies belonging to NCFIA member associations annually import over \$13.5 billion in food products regulated by FDA.

NCFIA joins in the request of the American Council of Independent Laboratories (ACIL) regarding the extension of the comment period for the Proposed Rule, on the basis of the grounds set forth in ACIL's submission to the agency dated July 21, 2004, until the later of:

?? 90 days after the date FDA publishes its final rule on Establishment and Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (68 Fed. Reg. 25188) (the "Bioterrorism Act"); or

?? 90 days after the date FDA fully implements its interim final rules on Prior Notice of Imported Food Under the Bioterrorism Act (68 Fed. Reg. 58974) and Registration of Food Facilities Under the Bioterrorism Act (68 Fed. Reg. 58894), which is currently anticipated to occur on or about August 12, 2004; or

?? 90 days after the date FDA publishes its Import Strategic Plan.

NCFIA joins with ACIL in its commitment to work with FDA to develop “uniform, systematic and effective approaches to assuring that private laboratories conducting tests on FDA-regulated products submit scientifically sound data” to FDA in connection with imported foods. Furthermore, NCFIA would welcome the opportunity to become involved in a proactive dialogue with ACIL and FDA in order, as suggested by ACIL, to insure that the most recent and credible information and evidence are evaluated and considered in connection with this rulemaking.

Should you have any questions regarding this request for an extension of the comment period, please do not hesitate to contact the undersigned.

Very truly yours,

Richard H. Koby  
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cc: NCFIA Members (via e-mail)  
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